

## 21 C.J.S. Courts § 302

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### Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

### VIII. Concurrent and Conflicting Jurisdiction

#### B. State and United States Courts

##### 4. Enjoining Proceedings in Other Court

##### b. Exceptions to Anti-Injunction Act

### § 302. Protection of judgment exception to Anti-Injunction Act

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#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  508(1) to 508(3)

**Under the so-called "relitigation" exception to the Anti-Injunction Act, a federal court may grant an injunction to stay proceedings in a state court where necessary to protect or effectuate its judgments.**

Under the so-called "relitigation" exception<sup>1</sup> to the Anti-Injunction Act, a federal court may grant an injunction to stay proceedings in a state court where necessary to protect or effectuate its judgments.<sup>2</sup> The relitigation exception is designed to permit a federal court to prevent state litigation of an issue that previously was presented to and decided by the federal court,<sup>3</sup> thereby preventing the wasteful and harassing revisiting of previously decided matters.<sup>4</sup> The exception is founded in the well-recognized concepts of res judicata<sup>5</sup> and collateral estoppel<sup>6</sup> and allows an

injunction where state proceedings threaten to undermine a federal judgment having preclusive effect.<sup>7</sup>

An essential prerequisite for applying the relitigation exception is that the claims or issues which the federal injunction seeks to insulate from litigation in state proceedings must actually have been decided by the federal court.<sup>8</sup> That prerequisite is strict and narrow, requiring an assessment of precise state of record and of what earlier federal order actually said, and does not permit post hoc judgment as to what order was intended to say.<sup>9</sup> Accordingly, it is insufficient that the claim or issue merely could have been raised in the prior federal action.<sup>10</sup> A federal court considering whether the relitigation exception to the Anti-Injunction Act applies should examine whether state law parallels its federal counterpart, but the federal court must resolve any uncertainty on that score by leaving the question of preclusion to the state courts.<sup>11</sup>

In determining which issues have been actually litigated, the federal court is free to go beyond the judgment and may examine the pleadings and the evidence in the prior action.<sup>12</sup> If a question of fact is put in issue by the pleadings, is submitted to the jury or other trier of fact for determination, and is determined, then that question of fact has been actually litigated.<sup>13</sup> An order that is not a final judgment and not appealable as a matter of right lacks sufficient finality to be entitled to preclusive effect under the exception.<sup>14</sup>

The relitigation exception is narrowly construed,<sup>15</sup> and thus, if there is any question as to the propriety of an injunction under the exception, the court must resolve it in favor of permitting the state court action to proceed.<sup>16</sup>

### ***Two-part test.***

For a federal court's determination of the class certification issue to have preclusive effect, such that the relitigation exception to the Anti-Injunction Act applies, at least two conditions must be met in that, first, the issue the federal court decided must be the same as the one presented in the state tribunal, and, second, the party seeking class certification in state court must have been a party to the federal suit, or else must fall within one of a few discrete exceptions to the general rule against binding nonparties.<sup>17</sup>

### ***Legal malpractice.***

The relitigation exception authorizes a federal court injunction of a state court legal malpractice action against class counsel who settled the plaintiffs' prior federal court claims on the ground that

the federal court's determinations that the class was properly certified and that the settlement was fair, adequate, and reasonable precludes any finding by the state court that the plaintiffs suffered harm due to any legal malpractice.<sup>18</sup>

## CUMULATIVE SUPPLEMENT

### Cases:

Court of Appeals would decline to consider claim on appeal that, even if Anti-Injunction Act did apply, employer submitted sufficient evidence to trial court to satisfy heightened criteria for receiving injunction against labor union's protests in its stores under theories of trespass and nuisance; while Court of Special Appeals held that it would affirm trial court's ruling that Act criteria was met, trial court did not make factual findings as to whether employer satisfied Act's requirements. [Md. Code Ann., Lab. & Empl. § 4-301 et seq.](#); [Md. Rule 8–131\(a\)](#). [United Food and Commercial Workers International Union v. Wal-Mart Stores, Inc.](#), 453 Md. 482, 162 A.3d 909 (2017).

## [END OF SUPPLEMENT]

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### Footnotes

1 U.S.—[Smith v. Bayer Corp.](#), 564 U.S. 299, 131 S. Ct. 2368, 180 L. Ed. 2d 341, 73 A.L.R. Fed. 2d 645 (2011); [In re Prudential Ins. Co. of America Sales Practice Litigation](#), 261 F.3d 355 (3d Cir. 2001); [In re American Honda Motor Co., Inc., Dealerships Relations Litigation](#), 315 F.3d 417 (4th Cir. 2003).

2 28 U.S.C.A. § 2283.

3 U.S.—[In re American Honda Motor Co., Inc., Dealerships Relations Litigation](#), 315 F.3d 417 (4th Cir. 2003); [Harvey Specialty & Supply, Inc. v. Anson Flowline Equipment Inc.](#), 434 F.3d 320 (5th Cir. 2005); [Zurich American Ins. Co. v. Superior Court for State of California](#), 326 F.3d 816 (7th Cir. 2003).

4 U.S.—[Vasquez v. Bridgestone/Firestone, Inc.](#), 325 F.3d 665 (5th Cir. 2003).

#### **Harassment**

The relitigation exception is intended to prevent the harassment of successful federal litigants through repetitious state litigation.

U.S.—[Brother Records, Inc. v. Jardine](#), 432 F.3d 939 (9th Cir. 2005).

#### **Burdensome litigation**

A relitigation injunction is proper where a federal litigant has prevailed on the merits but is threatened with burdensome and repetitious relitigation of the same issues in subsequent actions.

U.S.—California v. Randtron, 284 F.3d 969 (9th Cir. 2002).

5 U.S.—Harvey Specialty & Supply, Inc. v. Anson Flowline Equipment Inc., 434 F.3d 320 (5th Cir. 2005); Canady v. Allstate Ins. Co., 282 F.3d 1005 (8th Cir. 2002); Brother Records, Inc. v. Jardine, 432 F.3d 939 (9th Cir. 2005).

6 U.S.—Harvey Specialty & Supply, Inc. v. Anson Flowline Equipment Inc., 434 F.3d 320 (5th Cir. 2005); Canady v. Allstate Ins. Co., 282 F.3d 1005 (8th Cir. 2002); Sandpiper Village Condominium Ass'n., Inc. v. Louisiana-Pacific Corp., 428 F.3d 831 (9th Cir. 2005).

7 U.S.—Smith v. Bayer Corp., 564 U.S. 299, 131 S. Ct. 2368, 180 L. Ed. 2d 341, 73 A.L.R. Fed. 2d 645 (2011); Duffy & McGovern Accommodation Services v. QCI Marine Offshore, Inc., 448 F.3d 825 (5th Cir. 2006).

**Preemptive strike**

The relitigation exception permits a preemptive strike that avoids the need to assert prior adjudication defenses in state court when faced with claims that have already been rejected in federal court.

U.S.—Smith v. Woosley, 399 F.3d 428 (2d Cir. 2005).

8 U.S.—Smith v. Woosley, 399 F.3d 428 (2d Cir. 2005); In re American Honda Motor Co., Inc., Dealerships Relations Litigation, 315 F.3d 417 (4th Cir. 2003); St. Paul Mercury Ins. Co. v. Williamson, 332 F.3d 304 (5th Cir. 2003).

9 Chick Kam Choo v. Exxon Corp., 486 U.S. 140, 108 S. Ct. 1684, 100 L. Ed. 2d 127 (1988).

10 U.S.—Regions Bank of Louisiana v. Rivet, 224 F.3d 483 (5th Cir. 2000).

11 U.S.—Smith v. Bayer Corp., 564 U.S. 299, 131 S. Ct. 2368, 180 L. Ed. 2d 341, 73 A.L.R. Fed. 2d 645 (2011).

12 U.S.—St. Paul Mercury Ins. Co. v. Williamson, 332 F.3d 304 (5th Cir. 2003).

13 U.S.—St. Paul Mercury Ins. Co. v. Williamson, 332 F.3d 304 (5th Cir. 2003).

**Post hoc label**

A court's labeling an order as a "final judgment," particularly post hoc, does not necessarily make it one for purposes of the exception.

U.S.—Harvey Specialty & Supply, Inc. v. Anson Flowline Equipment Inc., 434 F.3d 320 (5th Cir. 2005).

14 U.S.—Harvey Specialty & Supply, Inc. v. Anson Flowline Equipment Inc., 434 F.3d 320 (5th Cir. 2005).

15 U.S.—Bailey v. State Farm Fire and Cas. Co., 414 F.3d 1187 (10th Cir. 2005).

16 U.S.—Harvey Specialty & Supply, Inc. v. Anson Flowline Equipment Inc., 434 F.3d 320 (5th Cir. 2005).

17 U.S.—Smith v. Bayer Corp., 564 U.S. 299, 131 S. Ct. 2368, 180 L. Ed. 2d 341, 73 A.L.R. Fed. 2d 645 (2011).

18 U.S.—Thomas v. Powell, 247 F.3d 260 (D.C. Cir. 2001).